

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ZENAIDA H. DELACRUZ
16500 Stonehaven Ct., #43
La Mirada, CA 90638

Registered Nurse License No. 475259

Respondent

Case No. 2003-136

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on January 22, 2006.

IT IS SO ORDERED December 22, 2005.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 ALAN A. MANGELS, State Bar No. 57690
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
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6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 ZENAIDA H. DELACRUZ
16500 Stonehaven Ct., #43
13 La Mirada, CA 90638

14 Registered Nursing License No. 475259

15 Respondent.

Case No. 2003-136

OAH No. L-2003040318

**STIPULATED SETTLEMENT FOR
PUBLIC REPROVAL**

16
17 In the interest of a prompt and speedy settlement of this matter, consistent with the
18 public interest and the responsibility of the Board of Registered Nursing, ("Board"), the parties
19 hereby agree to the following Stipulated Settlement and Disciplinary Order which will be
20 submitted to the Board for its approval and adoption as the final disposition of the Accusation.

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Alan
25 A. Mangels, Deputy Attorney General.

26 2. Respondent Zenaida H. Delacruz (Respondent) is representing herself in
27 this proceeding by her representative, Charles Benninghoff.

28 3. On or about March 31, 1992, the Board of Registered Nursing issued

1 Registered Nursing License No. 475259 to Zenaida H. Delacruz (Respondent). The License was
2 in full force and effect at all times relevant to the charges brought in Accusation No. 2003-136
3 and will expire on March 31, 2004, unless renewed.

4 JURISDICTION

5 4. Accusation No. 2003-136 was filed before the Board of Registered
6 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
7 The Accusation and all other statutorily required documents were properly served on Respondent
8 on January 8, 2003. Respondent timely filed her Notice of Defense contesting the Accusation. A
9 copy of Accusation No. 2003-136 is attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. 2003-136. Respondent has also carefully read, and understands the effects of
13 this Stipulated Settlement for Public Repeval.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 CULPABILITY

22 7. With these rights in mind, Respondent hereby freely, voluntarily, and
23 knowingly waives and gives up each and every right set forth above including, but not limited to,
24 the right to a hearing on the charges and allegations contained in Accusation No. 2003-136 and
25 the right to reconsideration and judicial review, in order to enter into this stipulation.

26 Respondent understands that, in signing this stipulation rather than contesting the Accusation,
27 she is enabling the Board to impose disciplinary action upon her license without further process.

28 8. Respondent's license history and status as set forth at paragraph 2 of the

1 Accusation are true and correct. Respondent's address of record is current and accurate as set
2 forth in the caption of this Stipulation. All other factual allegations contained in the Accusation
3 are also true and correct.

4 CONTINGENCY

5 9. For the purpose of settlement and compromise of the instant proceeding
6 before the Board, and not for any other purpose in any other civil or criminal matter, except in
7 proceedings before the Board of Registered Nursing or any other professional licensing agency in
8 the State of California, Respondent stipulates that the Board has jurisdiction to impose a public
9 reproof upon her license to practice registered nursing pursuant to 495 of the Business and
10 Professions Code.

11 10. Based upon all of the following stipulations and recitals, it is stipulated
12 and agreed that Complainant will withdraw the Accusation in this matter by way of letter from
13 the Executive Officer of the Board who will then issue a letter of public reproof to Respondent.

14 11. This stipulation shall be subject to the approval of the Executive Officer of
15 the Board. If the Executive Officer of the Board fails to adopt this proposed Stipulation, the
16 Stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the
17 parties, and the Board shall not be disqualified from further action in this matter by virtue of the
18 Executive Officer's consideration of this Stipulation.

19 ACCEPTANCE

20 I have carefully read the above Stipulated Settlement. I understand the stipulation
21 and the effect it will have on my Registered Nursing License. I enter into this Stipulated
22 Settlement voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
23 Order of the Board of Registered Nursing.

24 DATED: 2/10/05



25 ZENAIDA H. DELACRUZ
26 Respondent

27 DATED: _____

28 CHARLES BENNINGHOFF
Representative

1 Accusation are true and correct. Respondent's address of record is current and accurate as set
2 forth in the caption of this Stipulation. All other factual allegations contained in the Accusation
3 are also true and correct.

4 CONTINGENCY

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7 proceedings before the Board of Registered Nursing or any other professional licensing agency in
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17 parties, and the Board shall not be disqualified from further action in this matter by virtue of the
18 Executive Officer's consideration of this Stipulation.

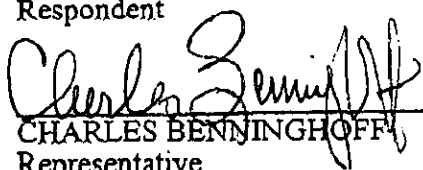
19 ACCEPTANCE

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21 and the effect it will have on my Registered Nursing License. I enter into this Stipulated
22 Settlement voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
23 Order of the Board of Registered Nursing.

24 DATED: _____

25 ZENAIDA H. DELACRUZ
Respondent

26 DATED: 2-10-05

27 
28 CHARLES BENNINGHOFF
Representative


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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 22 April 05

BILL LOCKYER, Attorney General
of the State of California


ALAN A. MANGELS
Deputy Attorney General
Attorneys for Complainant

APPROVAL

This Stipulated Settlement for Public Repeal in Accusation No. 2003-136 is hereby approved.

DATED: 12-22, 2005



RUTH ANN TERRY, M.P.H., R.N.
Executive Office
Board of Registered Nursing
Department of Consumer Affairs

03579110-LA2002AD1224
CDK (2/4/05 vv)
50016662.wpd

Exhibit A
Accusation No. 2003-136 .

1 BILL LOCKYER, Attorney General
of the State of California
2 ALAN A. MANGELS, State Bar No. 57690
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2554
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2003-136

12 ZENAIDA H. DELACRUZ
16500 Stonehaven Ct., #43
La Mirada, CA 90638

A C C U S A T I O N

13 Registered Nursing License No. 475259

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about March 31, 1992, the Board of Registered Nursing issued
22 Registered Nursing License Number 475259 to Zenaida H. DeLaCruz (Respondent). The
23 Registered Nursing License was in full force and effect at all times relevant to the charges
24 brought herein and will expire on March 31, 2004, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing
27 (Board), under the authority of the following sections of the Business and Professions Code
28 (Code).

1 4. Section 490 of the Code states, in pertinent part:

2 A board may suspend or revoke a license on the ground that the licensee has been
3 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
4 of the business or profession for which the license was issued . A conviction within the meaning
5 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
6 contendere. Any action which a board is permitted to take following the establishment of a
7 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
8 been affirmed on appeal, or when an order granting probation is made suspending the imposition
9 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
10 Penal Code.

11 5. Section 2761(f) of the Code states:

12 "The board may take disciplinary action against a certified or licensed nurse or
13 deny an application for a certificate or license for any of the following:

14

15 "(f) Conviction of a felony or of any offense substantially related to the
16 qualifications, functions, and duties of a registered nurse, in which event the record of the
17 conviction shall be conclusive evidence thereof."

18 6. Title 16, California Code of Regulations, section 1444(c) provides, in
19 pertinent part:

20 A conviction or act shall be considered to be substantially related to the
21 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
22 present or potential unfitness of a registered nurse to practice in a manner consistent with the
23 public health, safety, or welfare. Such convictions or acts shall include but not be limited to
24 theft, dishonesty, fraud, or deceit.

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
26 request the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

1 CAUSE FOR DISCIPLINE

2 (Conviction of Crimes)

3 8. Respondent is subject to disciplinary action under sections 490 and
4 2761(f) of the Code, and Title 16, California Code of Regulations, section 1444(c), for
5 unprofessional conduct in that she was convicted of a substantially related crime. The
6 circumstances are that on or about December 1, 1999, in a criminal proceeding in the Los
7 Angeles Municipal Court, Southeast District, entitled *People v. Zeneida Hernandez De La Cruz*,
8 Case No. VA056186, Respondent was convicted by her plea of nolo contendere for violating
9 Penal Code section 350(a)(2) (selling counterfeit merchandise), a felony.

10 OTHER MATTERS

11 9. In or about September 1989, in the Municipal Court of North Orange
12 County Judicial District, County of Orange, State of California, entitled *People v. Zenaida Dela-*
13 *Cruz*, Case No. NF8900776, Respondent was convicted on her plea of nolo contendere for
14 violating Insurance Code section 556(a)(1) (insurance fraud), a misdemeanor.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein
17 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nursing License Number 475259,
19 issued to Zenaida H. DeLaCruz;

20 2. Ordering Zenaida H. DeLaCruz to pay the Board of Registered Nursing
21 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/16/02


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant